

Notice of Allowability

Application No.

10/769,997

Examiner

Christine Sung

Applicant(s)

RIEHLE ET AL.

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/1/07.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment

1. The amendment filed on January 22, 2007 has been accepted and entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lynndanne Whalen on February 16, 2007.

The application has been amended as follows:

Claim 10 now reads:

A computer readable media encoded with a program capable of automatically implementing the steps of:

- a) evaluating data obtained by a spectrometric examination of an acid phase after nitration to determine the content of nitric acid in the acid phase, and
- b) relaying the nitric-acid content from a) to a regulator to control metering of nitric acid to a nitration reaction mixture.

The amendment was necessary to overcome a 35 USC 112 (2nd) paragraph and 35 USC 101 rejections.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

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Regarding claims 1-9, none of the prior art of record specifies or makes obvious a process for monitoring a nitrating process, namely the combination of the steps where the composition of the acid phase is measured and the composition is relayed to a process control system to control the production. Nitration processes are known as well as general online spectrometers, however, none of the prior art of record specifies or makes obvious the specific monitoring the acid phase of a nitration process using an spectrometer to monitor the overall nitration process.

Regarding claim 10-12, none of the prior art of record specifies or makes obvious a computer readable media encoded with a program such that the program automatically measures the spectrometric data of the acid phase of a nitration process in combination with relaying the data to a process controller, i.e. a regulator to control the nitration reaction. Nitration processes are known as well as general online spectrometers, however, none of the prior art of record specifies or makes obvious the specific monitoring the acid phase of a nitration process using an spectrometer to monitor the overall nitration process.

Regarding claims 13-24, none of the prior art of record specifies or makes obvious a facility that monitors or controls a nitration process, namely the combination of the means for measuring the spectrometric data of the acid phase of a nitration process in combination with the regulating means that regulates reaction based the spectrometric data collected. Nitration processes are known as well as general online spectrometers, however, none of the prior art of record specifies or makes obvious the specific monitoring the acid phase of a nitration process using an spectrometer to monitor the overall nitration process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Sung whose telephone number is 571-272-2448. The examiner can normally be reached on Monday- Friday 9-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CONSTANTINE HANNAHER
PRIMARY EXAMINER

Christine Sung
Examiner
Art Unit 2884

CS